

**TOWN OF ACTON  
BOARD OF SELECTMEN**

**POLICY NO. \_\_\_\_\_**

**Date of Adoption: 11-Sep-06**

**SUBJECT: The production and distribution of public meeting minutes**

**DEFINITIONS:**

“Governmental Body” – Every board, commission, committee or subcommittee – however elected, appointed or otherwise constituted, if authorized by the city or town. *Massachusetts General Laws, Chapter 39, Section 23A*

Ad hoc or special committees that include private citizens in addition to “public officials” are governmental bodies, if established by a governmental body pursuant the Charter of the Town of Acton and Bylaws of the Town of Acton constitute a “Governmental Body.”

A committee established by a staff member to assist that individual is not a “Governmental Body”. *Connelly v. School Committee of Hanover, 409 Mass 232 (1991)*

A single member of a governmental body is not a subcommittee, even if acting on behalf of the committee. *Pearson V. Board of Selectmen of Longmeadow, 49 Mass App. Ct. 119 (2000)*

“Meeting of a Governmental Body” – Any convening and deliberation of a “Governmental Body” for which a quorum is required in order to make a decision at which any public business or public policy matter over which the “Governmental Body” has supervision, control, jurisdiction or advisory power is discussed or considered.

In other words, if the matter discussed or opined upon with a quorum of a body or committee involves the body’s public business and would require a quorum to decide, it may only be considered by said quorum in a lawfully convened open public meeting. *MGL C. 39, sec 23 A.*

“Records/Minutes” – The official record of a public meeting of a governmental body.

**1. NEED FOR THIS POLICY:**

Massachusetts General Laws, Chapter 39, Section 23B, the Open Meeting Law, developed from the principle that the democratic process depends on the public having timely knowledge of the considerations upon which governmental action is based. The Open Meeting Law and related statutes are intended to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based. At its most basic level, the Open Meeting Law requires, with limited exceptions, governmental bodies to do its business in public. The Open meeting law requires that a record of each meeting be maintained for public review.

There is a need to develop a policy to insure that minutes are properly constructed and distributed in a timely basis.

## **2. OBJECT OF THIS POLICY:**

To assist members of governmental bodies in Acton to comply with the spirit of the Open Meeting Law and Public Records Law in publication of meeting minutes.

## **3. PROJECTED IMPACT OF THIS POLICY:**

None.

## **4. STATEMENT OF POLICY:**

### **(a) OPEN MEETING LAW**

Massachusetts General Laws, Chapter 39, Section 23B, the Open Meeting Law, requires that "a governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive session."

"the records [minutes] required to be kept ... shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but ... such records need not include a verbatim record of discussions at such meetings." *MGL C. 66, sec. 5A*

Please see the attached generic form for the recording of minutes.

Records of a governmental body include the minutes of all meetings, including executive session and subcommittees, and all documents and data made or received by the governmental body or its members in their official capacity. Public records, as well as records exempted from disclosure, are defined by MGL Chapter 4, Section 7, Clause 26.

Draft minutes of all "Public Meetings" shall be sent to the board or committee's Board of Selectmen liaison e-mail address within 10 working days of the date the meeting was held. A Selectperson's e-mail address is their first initial combined with their last name followed by "@acton-ma.gov". For example, Selectman John Smith would be contacted at jsmith@acton-ma.gov. Please note that the Secretary of State has issued the following opinion:

*Do minutes of open meetings of local boards or commissions have to be approved before they can be made available to the public?*

*No. Minutes of open meetings become public upon creation. There is no requirement that these minutes be approved before they are made available to the public. A board or commission is advised to mark copies of minutes not yet approved as "draft" minutes, however, it cannot withhold those minutes from disclosure. If the minutes are not transcribed at the time a request is made, there is no requirement under the Public Records Law that the board transcribe those minutes in response to a request. However, the audio tape of the meeting or any notes taken by the recording secretary (including shorthand notes) are public records.*

Each Board and Committee shall vote to approve the minutes of a given meeting no later than the second meeting following the given meeting and issue the approved minutes to the Town Clerk and all other interested boards and committees within 10 working days of approval vote.

## **(b) PUBLIC RECORDS LAW**

Massachusetts General Laws, Chapter 66, Section 10 the Public Records Law, gives a right of public access to "public records" which is defined to include any document, regardless of physical form or characteristics, made or received by a public official or employee to serve a public purpose, unless subject to a statutory exemption. Government records generated, received or maintained electronically, including electronic mail, constitute "public records" under this standard

Retention and destruction of these records should follow the schedule specified by Massachusetts General Laws, Chapter 66, Section 8. Printed records should be filed with related files of the appropriate office.

### **5. MEANS BY WHICH THE POLICY SHALL BE IMPLEMENTED:**

Implementation of this policy shall be the responsibility of the Town Manager and the Town Clerk. Once adopted by the Board of Selectmen, the policy shall be filed with the Town Clerk and kept available for inspection by the public.

### **6. EFFECTIVE DATE OF THIS POLICY AND IMPLEMENTATION:**

Immediately upon adoption by the Board of Selectmen.

### **7. DATE ON WHICH THE POLICY SHALL EXPIRE:**

Indefinite.